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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

JEFF YOUNG, individually and on behalf of
all others similarly situated,

Plaintiff,

vs.

CREE Inc.,

Defendant.

CASE NO. 4:17-cv-06252-YGR

CLASS ACTION

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S RENEWED MOTION FOR
CLASS CERTIFICATION**

Date: April 21, 2020

Time: 2:00 p.m.

Crtrm.: Courtroom 1 - 4th Floor

Judge: Hon. Yvonne Gonzalez Rogers

1 The Court, having considered Plaintiff's Renewed Motion for Class Certification,
 2 including the pleadings and other papers on file in this action, and the statements of counsel and
 3 the parties, hereby finds that the motion satisfies the requirements of Federal Rule of Civil
 4 Procedure 23, and hereby orders that Plaintiff's motion is GRANTED.

5 1. The Court therefore certifies the following class under Federal Rule of Civil
 6 Procedure 23 (the "Class"):

7 All persons in California who purchased Cree LED Lightbulbs for end use, and
 8 not resale, during the period from March 2013 to the present. Excluded from the
 9 Class are Cree, including its corporate affiliates, parents, or subsidiaries; Cree's
 10 employees, including officers and directors; and the Court to which this case is
 11 assigned.

12 2. The Court appoints Plaintiff Jeff Young as the representative for the Class ("Class
 13 Representative").

14 3. The Court finds that the law firms of Pearson, Simon, & Warshaw, LLP; Audet &
 15 Partners, LLP; Cuneo Gilbert & LaDuca, LLP; Levin Sedran & Berman; and The Sultz Law
 16 Group P.C. satisfy the requirements of Rule 23(g) and are hereby appointed as counsel for the
 17 Class ("Class Counsel").

18 4. The Court finds that the Class satisfies the requirements of Rule 23(a) for the
 19 following reasons:

20 a. The Class satisfies the numerosity requirement of Rule 23(a)(1), because
 21 there are sufficiently numerous class members in the Class, making joinder of all class members
 22 impracticable.

23 b. The Class satisfies the commonality requirement of Rule 23(a)(2), because
 24 the Class raises common issues of law and fact relating to Defendant's alleged misrepresentations
 25 and omissions concerning the longevity of the LED Lightbulbs and Defendant's violations of
 26 California's Unfair Competition Law, Cal. Bus. & Prof. Code § 17200, False Advertising Law,
 27 Cal. Bus. & Prof. Code § 17500, and Consumer Legal Remedies Act, Cal. Civ. Code § 1750.
 28 Common issues likewise exist for the Class's claims for fraudulent misrepresentation and

1 concealment, breach of express and implied warranties, and unjust enrichment/quasi-contract.

2 c. The Class Representative satisfies the typicality requirement of Rule
3 23(a)(3), because the Class Representative has suffered the same injury as other class members by
4 purchasing LED Lightbulbs that were sold not as advertised and at a premium price as a result of
5 Defendant's false advertising.

6 d. The Class Representative and Class Counsel satisfy the adequacy
7 requirement of Rule 23(a)(4) because they have no interests that are antagonistic to the interests of
8 the Class. The Class Representative has demonstrated that he is willing and able to fulfill his
9 duties as a representative of the Class. Further, Class Counsel are experienced and knowledgeable
10 in the prosecution of complex litigation and class actions, such as this litigation. Class Counsel
11 have demonstrated their abilities to adequately represent the Class throughout this litigation,
12 including in securing class certification.

13 5. The Court finds that the Class satisfies the requirements of Rule 23(b)(3) because
14 questions of law and fact common to the members of the Class predominate over any questions
15 affecting only individual members, including legal and factual issues relating to liability and
16 damages. A class action is superior to other available methods for the fair and efficient
17 adjudication of this controversy. In addition, if the class action mechanism were not available,
18 Class members may have claims that are too small to justify the high costs of litigation.

19 6. The Class satisfies the requirements of Rule 23(b)(2) because Defendant has acted
20 or refused to act on grounds that apply generally to the class, so that final injunctive relief or
21 corresponding declaratory relief is appropriate respecting the class as a whole.

22 7. Class Counsel shall file their proposed plan for providing notice to the Class
23 pursuant to Rule 23(c)(2) within 30 days of the issuance of this Order.

24 **IT IS SO ORDERED.**

25
26 Dated: _____

Honorable Yvonne Gonzalez Rogers
United States District Judge